

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

JAMI ECKHART,
500 S. Pacific Cape
Cape Girardeau, MO 63701

Plaintiff,

VS.

Case No.
Division No.

MEDICREDIT, INC. aka OUTSOURCE
GROUP,
3629 Interstate 70 Drive SE
Columbia, MO 65821

Defendant.

PLAINTIFF'S COMPLAINT AND DEMAND FOR JURY TRIAL

JAMI ECKHART (Plaintiff), by her attorneys, KROHN & MOSS, LTD., alleges the following against MEDICREDIT, INC. aka OUTSOURCE GROUP (Defendant):

INTRODUCTION

1. Plaintiff's Verified Complaint is based on the Fair Debt Collection Practices Act, 15 U.S.C. 1692 *et seq.* (FDCPA). According to the FDCPA, the United States Congress has found abundant evidence of the use of abusive, deceptive, and unfair debt collection practices by many debt collectors, and has determined that abusive debt collection practices contribute to the number of personal bankruptcies, to marital instability, to the loss of jobs, and to invasions of individual privacy. Congress wrote the FDCPA to eliminate abusive debt collection practices by debt collectors, to insure that those debt collectors who refrain from using abusive debt collection practices are not competitively

disadvantaged, and to promote consistent State action to protect consumers against debt collection abuses. *15 U.S.C. 1692(a) – (e)*.

2. Plaintiff brings this action to challenge Defendant's actions with regard to attempts by Defendant, a debt collector, to unlawfully and abusively collect a debt allegedly owed by Plaintiff, and this conduct caused Plaintiff's damages.
3. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

JURISDICTION AND VENUE

4. Jurisdiction of this court arises pursuant to *15 U.S.C. 1692k(d)*, which states that such actions may be brought and heard before "any appropriate United States district court without regard to the amount in controversy," and *28 U.S.C. 1367* grants this court supplemental jurisdiction over the state claims contained therein.
5. Because Defendant is located in the State of Missouri, personal jurisdiction is established.
6. Venue is proper pursuant to *28 U.S.C. 1391(b)(1)*.
7. Declaratory relief is available pursuant to *28 U.S.C. 2201 and 2202*.

PARTIES

8. Plaintiff is a natural person who resides in Cape Girardeau, Missouri, and is allegedly obligated to pay a debt, and Plaintiff is a "consumer" as that term is defined by *15 U.S.C. 1692a(3)*.
9. According to Defendant, Plaintiff allegedly owes a debt as that term is defined by *15 U.S.C. 1692a(5)*.

10. Defendant is a debt collector as that term is defined by *15 U.S.C. 1692a(6)*, and sought to collect a consumer debt from Plaintiff.
11. Defendant is a collection agency with an office in Columbia, Missouri.
12. Defendant uses instrumentalities of interstate commerce or the mails in any business the principal purpose of which is the collection of any debts, or who regularly collects or attempts to collect, directly or indirectly, debts owed or due or asserted to be owed or due another and is a "debt collector" as that term is defined by *15 U.S.C. § 1692a(6)*.
13. Defendant is a collection agency that in the ordinary course of business, regularly, on behalf of itself or others, engages in debt collection.

FACTUAL ALLEGATIONS

14. Defendant constantly and continuously placed collection calls to Plaintiff seeking and demanding payment for an alleged debt.
15. Defendant placed collection calls to Plaintiff at 570-200-9560 from 877-395-3125 and 877-819-6042.
16. Defendant calls Plaintiff and hangs up without leaving a voicemail message.
17. Defendant calls Plaintiff and fails to disclose the call is from a debt collector.

COUNT I DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT

18. Defendant violated the FDCPA based on the following:
 - a. Defendant violated *§1692d* of the FDCPA by engaging in conduct the natural consequence of which is to harass, oppress, or abuse the Plaintiff.
 - b. Defendant violated *§1692d(5)* of the FDCPA by causing a telephone to ring repeatedly and continuously with the intent to annoy, abuse, and harass Plaintiff.

- c. Defendant violated §1692d(6) of the FDCPA by placing telephone calls without meaningful disclosure of the caller's identity because Defendant calls Plaintiff and hangs up without leaving a voicemail message.
- d. Defendant violated §1692e(10) of the FDCPA by using deceptive means in an attempt to collect a debt by calling Plaintiff and hanging up without leaving a voicemail message.
- e. Defendant violated §1692e(10) of the FDCPA by using deceptive means in an attempt to collect a debt by failing to disclose in subsequent communications that the communication was from a debt collector.
- f. Defendant violated §1692e(11) of the FDCPA by failing to disclose in subsequent communications that the communication was from a debt collector.

WHEREFORE, Plaintiff, JAMI ECKHART, respectfully requests judgment be entered against Defendant, MEDICREDIT, INC. aka OUTSOURCE GROUP, for the following:

- 19. Declaratory judgment that Defendant's conduct violated the Fair Debt Collection Practices Act,
- 20. Statutory damages pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*,
- 21. Actual damages,
- 22. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*,

23. Any other relief that this Honorable Court deems appropriate.

RESPECTFULLY SUBMITTED,

By:/s/ Adam C. Maxwell

[] Adam C. Maxwell

Bar No.: 62103

EDMO Bar No: 5249607

Attorney for Plaintiff

Krohn & Moss, Ltd.

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DEMAND FOR JURY TRIAL

PLEASE TAKE NOTICE that Plaintiff, JAMI ECKHART, hereby demands trial by jury
in this action.

VERIFICATION OF COMPLAINT AND CERTIFICATION

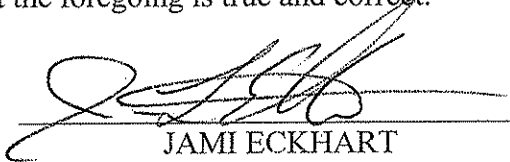
STATE OF MISSOURI)

Plaintiff, JAMI ECKHART, states the following:

1. I am the Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this Complaint in good faith and solely for the purposes set forth in it.
6. Each and every exhibit I have provided to my attorneys which has been attached to this Complaint is a true and correct copy of the original.
7. Except for clearly indicated redactions made by my attorneys where appropriate, I have not altered, changed, modified or fabricated these exhibits, except that some of the attached exhibits may contain some of my own handwritten notations.

Pursuant to 28 U.S.C. § 1746(2), I, JAMI ECKHART, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

2/22/10
Date


JAMI ECKHART